

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCBURG DIVISION

UNITED STATES OF AMERICA,)	Criminal Action No. 6:03-cr-30073-13
)	(§ 2255 Civil Action No. 6:08-cv-80116)
)	
v.)	<u>FINAL ORDER</u>
)	
)	
ROGER H. VIAR.)	By: Norman K. Moon
)	Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that the government's motion to dismiss (docket no. 689) is **GRANTED**, the above-referenced 28 U.S.C. § 2255 motion (docket no. 677) is **DISMISSED**, and this action is **STRICKEN** from the active docket of the court. It is further **ORDERED** that petitioner's motion for a hearing (docket no. 700) is **DENIED** and **STRICKEN** from the active docket of the court. And, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to counsel of record.

It is so **ORDERED**.

ENTER: This 15th day of July, 2010.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE